



INTERIOR BOARD OF INDIAN APPEALS

Estate of Iva Simpson Kanzleiter

55 IBIA 103 (06/07/2012)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

ESTATE OF IVA SIMPSON)	Order Docketing and Dismissing Appeal
KANZLEITER)	
)	Docket No. IBIA 12-079
)	
)	June 7, 2012

On March 12, 2012, the Board of Indian Appeals (Board) received an unsigned statement, which the Board construed as a possible appeal from a Title Transfer Order (Title Order) entered on February 22, 2012, by Administrative Law Judge (ALJ) Thomas F. Gordon in the estate of Iva Kanzleiter (Decedent).¹ The unsigned statement had been sent to the ALJ, who transmitted it to the Board for review and action. The subject of the statement, the Title Order, recites that the Nez Perce Tribe (Tribe) elected to purchase Decedent's undivided fractional interests in Nez Perce allotments 562 and 634-A, pursuant to Pub. L. No. 92-443, 86 Stat. 744 (Sept. 29, 1972), and that title to those interests is vested in the United States in trust for the Tribe. The statement asserted that it was "submitted in the best interest and benefit of the heirs of Iva Simpson Kanzleiter," and listed the eight individuals (collectively, Appellants) who were determined to be Decedent's heirs. Notice of Appeal at 2 (unnumbered).²

As a preliminary matter, because a notice of appeal to the Board must be signed by the appellant(s), or by an attorney or qualified representative of the appellant(s), *see* 43 C.F.R. § 4.321(b), the Board ordered that any of the individuals who intended to appeal from the Title Order must submit to the Board a copy of the notice of appeal with his or her original signature. The Board set a deadline of April 20, 2012, for Appellants to

¹ Decedent, who was also known as Iva Simpson, was a Colville Indian. The probate number assigned to Decedent's case in the Department of the Interior's probate tracking system, ProTrac, is No. P000044987IP.

² The individuals listed are Donald R. Kanzleiter, Diana L. Rieker, Billy G. Kanzleiter, Bryan J. Kanzleiter, Laurie E. Sison, Brenda M. Gongora, Darlene M. Kanzleiter, and Marlene R. McReynolds. All eight were determined to be Decedent's heirs in a September 30, 1999, probate decision issued by ALJ Nicholas T. Kuzmack, and all apparently are members of the Confederated Tribes of the Colville Reservation.

comply with the Board's order, and advised Appellants that if they failed to comply with or respond to the Board's order, the appeal might be dismissed without further notice.

The U.S. Postal Service's Track-and-Confirm service on its website indicates that each Appellant received the Board's order between March 29 and April 5, 2012.

The Board has received no response from any of the Appellants.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board docketed but dismisses this appeal for failure to prosecute.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge